

THE CORPORATION OF THE TOWN OF BLIND RIVER
BY-LAW NO. 22-04

Being a By-Law to Prohibit and Regulate the sale and use of
Fireworks and Pyrotechnic Special Effects within the Town of
Blind River.

Whereas Section 121 of the Municipal Act, S.O. 2001, c.25, as amended authorizes a municipality to pass by-laws to prohibit and regulate the sale of fireworks and the setting off of fireworks, including requirements that a permit be obtained from the municipality for the sale or selling off of such fireworks and imposing conditions on such permits;

Whereas Section 121(a) of the Ontario Municipal Act, 2001, S.O. 2001 c.25 as amended provides that the council may prohibit the activities described in section 121(a). Above, unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

Whereas Section 7.1 of the Fire Protection and Prevention Act, S.O. 1997, c4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

Whereas Council for the Corporation of the Town of Blind River deems it necessary for the safety and well being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the Corporation of the Town of Blind River;

WHEREAS the Council of the Corporation of the Town of Blind River Enacts as follows:

1. DEFINITIONS

- a) "Act" means the Explosives Act;
- b) "Consumer Fireworks" means low-hazard fireworks generally used for recreation that are classed under Class 7, Division 2, Subdivision 1 under the Act, and includes but not limited to firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers Christmas crackers and caps for toy guns, but do not include firecrackers, prohibited fireworks, display fireworks, safety flares, marine rockets, and other distress signals;
- c) "Council" means the council of the Corporation Town of Blind River;
- d) "Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning;
- e) "Display Fireworks" means an outdoor, high hazard recreational firework that is classed as a subdivision 2 of division 2 of class 7 Fireworks under the act, and includes rockets, serpent's shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, but does not include Firecrackers;

- f) "Display Supervisor" means a person certified under the Act to purchase Display Fireworks and authorized under the Act to supervise the discharge of Display Fireworks;
- g) "Fire Ban" means a time frame declared by the fire chief or delegate when no open air burning is permitted within the town of Blind River;
- h) "Fire Chief" means the person appointed by council to carry out the duties of the fire chief of the town of Blind River and his or her or in the event of organizational changes, another person designated by council;
- i) "Firecracker" means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns or Christmas crackers;
- j) "Fire Inspector: means the person appointed by the Fire Chief to carry out the duties of a fire inspector for the Town of Blind River;
- k) "Minor" means a person who has not reached the age of 18;
- l) "Motor Vehicle" means a motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, H.8, as amended";
- m) "Nuisance Deployment" means the dispatch of the Blind River Fire Department to emergency or non-emergency situations due to complaints received related to fireworks";
- n) "Owner" means the person having effective control over or apparent possession of property or relevant portion thereof, and where that person of this by-law, a mortgagee in possession of property, or a receiver and manager, personal representative or trustee in bankruptcy who has taken possession of that property shall be deemed to have effective control over the property;
- o) "Prohibited firework" means fireworks included on the most recent list of prohibited fireworks as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor, including but not limited to devices known as cigarette loads, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or keychain pistols, cherry bombs, M-80's, exploding golf balls, stink bombs, smoke bombs, tear gas pens and launchers, fake firecrackers, and other similar trick devices or practical joke devices;
- p) "Property" means any public or private land, building, structure within the Town of Blind River;
- q) "Retail Sale" means a sale for the purpose of consumption or use and not for resale;
- r) "Set Off" includes any method of detonating or igniting a firework;

- s) "Town" means the Corporation of the Town of Blind River;
- t) "Town Clerk" means the person appointed by council to carry out the duties of the Town of Blind River;
- u) "Trailer" means an enclosed vehicle designed so that it may be attached to or drawn by a motor vehicle, and intended for the transport of goods.

2. Prohibited Fireworks and Firecrackers;

- a) No person shall possess, offer for sale, cause or permit to be sold, or sell any Firecrackers, prohibited Fireworks or Sky Lanterns in the Town;
- b) No person shall discharge any Firecrackers or other prohibited Fireworks in the Town;
- c) No person shall ignite Sky Lantern(s) or release any ignited Sky Lantern(s) in the Town of Blind River.

3. Sale and Possession of Consumer Fireworks

- a) No person shall sell any prohibited fireworks that are included on the most recent List of unauthorized Explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor;
 - 1) No person shall store Consumer Fireworks except as permitted under the Act.
- b) No person shall exhibit or display Consumer Fireworks unless the fireworks on display are separated into individual lots that do not exceed 25 kilograms in gross weight, and such separation between lots shall be sufficient to prevent fire from spreading rapidly from one lot to the next by:
 - 1) Maintaining a minimum aisle width of 1.1 meters between lots;
 - 2) Maintaining a partition, constructed of 6-millimetre plywood or other suitable material, that extends a minimum of 15 centimetres above the height of the lot or the display shelf above; or
 - 3) Maintaining sufficient separation between lots by such other suitable methods or means.
- c) No person shall exhibit or display Consumer Fireworks that are accessible to the public unless the Consumer Fireworks are in consumer packs;
- d) No person shall exhibit or display Consumer Fireworks on a display board or in a shop window unless the display consists of mock samples only and does not contain any explosive composition;

- e) No person who sells Consumer Fireworks shall display or exhibit Consumer Fireworks to the public at any time unless the location or shop is attended by the vendor or an employee thereof;
- f) No person shall display Consumer Fireworks in an indoors shop or location, or in a trailer unless there are a minimum of two (2) unobstructed, clearly identified exits to ensure that employees and the public can quickly evacuate in the event of a fire;
- g) No person shall sell or otherwise distribute Consumer Fireworks to any person who is under eighteen (18) years of age.

4. Use of Consumer Fireworks:

- a) A Fireworks Discharge Permit is required to discharge Display Fireworks;
- b) A Fireworks Discharge Permit will not be required two (2) days prior or two (2) days after the following Statutory Holidays:
 - Victoria Day
 - Canada Day
 - New Years
- c) Fireworks Discharge Permits shall only be issued for Friday and Saturday evenings from dusk till 11pm
- d) No child shall discharge any fireworks, other than a sparkler where the child is under the supervision of an adult at all times;
- e) No parent, guardian or person standing in the place of a parent with respect to a child shall permit that child to discharge any firework, other than a sparkler where the child is under the supervision of an adult at all times;
- f) No person shall discharge consumer fireworks on any land of which he or she is not the owner, or without obtaining the prior written permission of the owner to do so;
- g) No person shall discharge consumer fireworks into, inside of, or on any building, accessory building, structure, sidewalk, highway or motor vehicle;
- h) No person shall discharge consumer fireworks closer to any structure, marine vessel, floating device, tent, trailer, motor vehicle or property line than 10 meters or the recommendation from the manufacturer whichever is greater;
- i) As outlined in the Explosives Act regulations, no person shall discharge consumer fireworks closer than 100 meters to a church, school, residential care facility or place where explosives are stored;
- j) No person shall discharge consumer fireworks during an imposed Fire Ban;

- k) No person shall store, handle or discharge consumer fireworks in an unsafe manner, or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks;
- l) A person who stores fireworks shall use reasonable care to ensure that those fireworks are not accessible to children.

5. Pyrotechnics

- a) No person, other than a person who holds a current and appropriate level of certification for the type, size, number and location of the pyrotechnic materials in question for the type of pyrotechnic materials used for display fireworks, shall:
 - 1) A manufacturer, wholesaler or retailer of such materials who holds all requisite licenses to act in that capacity, and the materials in question are in that person's custody solely in connection with that business, or
 - 2) Lawfully carrying the pyrotechnic materials in transit through the Town, whether as a public carrier or as an employee of a person described in above, or
 - 3) Perform or carry out any pyrotechnic display, special effects, event, exhibition or operation
- b) Every pyrotechnic display, special effects, event, exhibition or operation carried out in the Town of Blind River shall be performed or carried out safely, in accordance with:
 - 1) Prevailing best practices in the pyrotechnic trade, and
 - 2) The specifications, recommendations or requirements, as the case may be, set down in the Pyrotechnics Special Effects Manual as issued and updated from time to time by the Explosives Regulatory Division of the Natural Resources Canada.
- c) For the purpose of this section, "certificate" means a current certificate issued by or under the authority of Natural Resources Canada

6. Nuisance Deployment

- a) If a validated fireworks complaint results in the nuisance deployment of fire suppression or fire prevention personnel and vehicles to the property, the person in control and/or the property owner may be assessed, at the discretion of the Fire Chief or designate, a fee for service in accordance with the provisions of the most current Town of Blind River Fees By-Law;

- b) If a person invoiced for a Nuisance deployment under this By-law fails to pay the invoice within ninety (90) days of receipt of an invoice, the Town may add the outstanding invoice, including interest, to the tax roll for any real property in the Town of Blind River registered in the name of the person and collect the penalty, including interest, in the manner as municipal taxes;
- c) The quantity and type of fire vehicles and personnel dispatched to respond for the purposes of extinguishing, controlling, or investigating any validated fireworks complaint are at the discretion of the Fire Chief or designate.

7. Fireworks Discharge Permit

- a) An application for a Fireworks Discharge Permit shall be made at the Town of Blind River Office.
- b) Every Fireworks Discharge Permit application shall be submitted to the Chief Fire Official or their designate a minimum of five (5) days prior to the proposed Discharge date and be accompanied by:
 - I. The appropriate non-refundable fee set out in the current Town of Blind River Fees By-law, as may be amended from time to time.
 - II. A letter of authorization from the owner of the property on which the fireworks will be discharged on if the person applying for the permit is not the legal owner of said property
 - III. Any other information as the Chief Fire Official or their designate may require.

8. Penalty

- a) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable in accordance with the provisions of the Provincial Offences Act, R.S.O, 1990, c.P.33 as amended;
- b) Nothing in this By-law relieves a person from complying with any provision of any federal or provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or license.

9. Repeals

By-law 2187 and all amendments thereto are hereby repealed on the effective date of this By-law.

10. Severability

It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

11. Enforcement

This By-law may be enforced by every police officer, By-law officer, Fire Chief or designate.

PASSED IN OPEN COUNCIL THIS 22 DAY OF FEBRUARY, 2022.

MAYOR

CAO/CLERK

CERTIFICATION BY THE CLERK:

I, K. Scott, CAO/Clerk of the Corporation of the Town of Blind River, do hereby certify that the above is a true certified copy of By-Law No. 2022-04 which was passed in Open Council on the 22 day of February, 2022.

K. SCOTT